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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,670	04/10/2006	Denis S. Milov	42P21007	2213
59796 7590 04/15/2009 INTEL CORPORATION c/o CPA Global P.O. BOX 52050 MINNEAPOLIS, MN 55402			EXAMINER GOOD JOHNSON, MOTILEWA	
			ART UNIT 2628	PAPER NUMBER
			MAIL DATE 04/15/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/575,670

Applicant(s)

MILOV ET AL.

Examiner

M GOOD JOHNSON

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Aamodt et al., U.S. Patent Number 6,732,114 B1.

Regarding claim 1, Aamodt discloses a method of stable incremental layout of a hierarchical graph comprising: determining a level of the layout for each new node of the graph using information about hidden nodes of the graph (col. 9, lines 21-23, preliminary layout structure and col. 14, lines 47-48, an entry is created in the preliminary layout node array), wherein the determining the level of the layout is performed in a memory associated with a processor (figure 3B); determining positions of nodes on levels of the layout using information about hidden nodes of the graph (col. 7, lines 28-32, an invisible dependency is created in order to maintain the position relationship between nodes for layout), wherein the determining the positions of the nodes is performed in the memory associated with the processor (figure 3C); and determining coordinates of new nodes in the layout without using information about hidden nodes (figures 2A-2D, which Examiner interprets as allowing for the input of project data 200B, i.e. creating new nodes, and positioning nodes without using

information about hidden nodes, figure 2C), wherein the determining the coordinates of the new nodes is performed in the memory associated with the processor (figures 3E-3P).

Regarding claim 2, Aamodt discloses inserting new levels of the layout between existing levels when a new level is needed to contain a new node, (figures 3E-3O), wherein the inserting the new levels is performed in the memory associated with the processor (figures 3E-3P).

Regarding claim 3, Aamodt discloses nodes on existing levels retain positions on the existing levels (col. 11, line 1, relative row position).

Regarding claim 4, Aamodt discloses the determining steps are performed to minimize visual changes in the layout as compared to an initial layout of the graph (figures 2B and 2C).

Regarding claim 5, Aamodt discloses complying with quality criteria (col. 11, lines 26-45, layout formatting including parameters, which Examiner interprets as quality criteria).

Regarding claim 6, Aamodt discloses the quality criteria comprise minimization of edge crossings of the layout (col. 2, line 66 - col. 3, line 8, reducing intersections of links

between nodes, and col. 11, lines 26-45, layout parameters may specify a particular link style, which Examiner interprets as minimization of edge crossings).

Regarding claim 7, Aamodt discloses the quality criteria comprises minimization of back edges of the layout (col. 11, lines 26-45, spatial arrangement of nodes including top down from left, which Examiner interprets as minimizing back edges, in that the node hierarchy would generate the layout in a left to right manner).

Regarding claims 8-21, they are rejected based upon similar rational as claims 1-7.

Response to Arguments

3. Applicant's arguments filed 01/29/2009 have been fully considered but they are not persuasive.

Applicant argues that Aamodt teaches away from "determining a level of the layout for each new node of the graph using information about hidden nodes of the graph" in col. 9, lines 51-54. Applicant argues the section of Aamodt which discloses that hidden nodes cannot be used to position nodes that are displayed. Aamodt discloses layout options for displaying nodes including a selected layout, expanded layout, collapsed view layout and any combination of layouts, col. 9, lines 1-7. Aamodt discloses in col. 9, line 44 – col. 10, line 11, that the last visible node is used to track conditions of an ancestor node relative to a node being examined by the a) filtering

status, b) the expand or collapse status or c) the visible or hidden summary. Aamodt discloses in figure 2A, a database which includes the information for layout of each node and the information is used to determine the position of the nodes in a virtual grid, col. 11, line 50—col. 12, line 62. Therefore it is the interpretation of the Examiner that Aamodt determines a level of the layout for each new node of the graph using information about hidden nodes of the graph in a memory structure, as claimed by Applicant, see also Aamodt figures 2A-2I and 3A – 3P.

4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., hidden nodes that are not **displayed** cannot be used to position nodes that are displayed) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M GOOD JOHNSON whose telephone number is (571)272-7658. The examiner can normally be reached on Monday-Friday 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Motilewa Good-Johnson/
Primary Examiner, Art Unit 2628